IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(S): KWON, Dae-Heon et al.

GROUP ART UNIT: 2424

APPLICATION NO.: 09/467,210

EXAMINER: USTARIS, Joseph G.

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FOR: PORTABLE TELEVISION (TV) PHONE AND METHOD FOR CONTROLLING OPERATION THEREOF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

In response to the Examiner's Answer mailed April 14, 2009, Appellants respectfully submit that based on at least the arguments provided in the Appeal Brief of January 5, 2009, Claims 1-3 are patentable over the applied references. The following comments are respectfully submitted in order to address statements made in the Examiner's Answer.

The Examiner raises no new grounds for rejection in the Examiner's Answer.

The allegations raised in the Examiner's Answer do not change the fact that independent Claim 1 is patentable over Kikinis, Tsukamoto, Lagoni, Porco, Zato and Reyes.

1. Porco is improperly cited as disclosing both a power supply operation and a mode switching

operation

Porco only discloses a power supply switching system and thus does not teach or disclose ***both*** interrupting a power supply voltage supplied to the TV module ***and*** automatically switching a TV mode to a phone mode in a portable cellular phone having a phone mode and a TV mode, as recited in Claim 1 of the present application. The power supply control of Claim 1 is a separate and distinct process from the mode switching of Claim 1; that is, Claim 1 recites both a power supply control ***and*** a mode switching control.

Porco in its drawings and description continuously and exclusively teaches supplying power to either a telephone or an audio system. This is solely the teaching of Porco. No mode switching operation is taught or disclosed by Porco.

Claim 1 recites both interrupting a power supply voltage supplied to a TV module and automatically switching from a TV mode to a phone mode. Two distinct processes are recited in this feature of Claim 1: (1) interrupting a power supply voltage supplied to a TV module, and (2) automatically switching from a TV mode to a phone mode.

The power control system of Porco is not and cannot be equated with both the interrupting a power supply voltage supplied to a TV module ***and*** automatically switching from a TV mode to a phone mode recited in Claim 1 of the present application.

2. Zato is improperly cited as disclosing a second incoming call alarm mode switching off and on, at a predetermined interval, an audio signal output from a TV module

Zato discloses the output of an audible tone. Claim 1 recites switching off and on, at a predetermined interval, an audio signal output from a TV module. The output of an additional

audible tone is not and cannot be equated with switching off and on, at a predetermined interval, an audio signal output from a TV module as recited in Claim 1 of the present application.

3. Reyes is improperly cited as disclosing a second incoming call alarm mode switching off and on, at a predetermined interval, an audio signal output from a TV module

Reyes discloses the output of a ring signal. Claim 1 recites switching off and on, at a predetermined interval, an audio signal output from a TV module. The output of an additional ring signal is not and cannot be equated with switching off and on, at a predetermined interval, an audio signal output from a TV module recited in Claim 1 of the present application.

4. Conclusion

Based on at least the foregoing, as the Examiner has failed to make out a prima facia case for an obviousness rejection, the rejection of Claims 1-3 must be reversed.

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.

The Examiner has failed to show that all of the recitations of Claim 1 are taught in or suggested by the prior art. The Examiner has failed to make out a prima facia case for an obviousness rejection.

Independent Claim 1 is not rendered unpatentable by Kikinis, Tsukamoto, Lagoni, Porco, Zato and Reyes, thus Claims 1-3 are allowable.

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